IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 12107 of 2004

Between:

1 Smt. G. Bayamma, W/o. Katamaiah, R/o. Dharmavaram Town

and Mandal, Anantapur District.
2 Smt. G. Musalakka, W/o. G. Narayana, R/o. Dharmavaram

Town and Mandal, Anantapur District.
3 Sri G. Narayana, S/o. Yerrappa, R/o. Dharmavaram Town and

Mandal, Anantapur District.
4 Sri R. Adinarayana, S/o. Chinna Varada Reddy,
R/o. Dharmavaram Town and Mandal, Anantapur District.
5 Sri. D. Bhaskar, S/o. Kondappa,
R/o. Dharmavaram Town and Mandal, Anantapur District.
6 Smt. R. Lakshmi Devi, W/o. R.V. Ranga Reddy,
R/o. Dharmavaram Town and Mandal, Anantapur District.
7 Sri S. Kesava Narayana, S/o. Appa Swamy,
R/o. Dharmavaram Town and Mandal, Anantapur District.
8 Smt. S. Narayanamma, W/o. Appa Swamy,
R/o. Dharmavaram Town and Mandal, Anantapur District.
9 Sri R. Varadappa, S/o. Lakshmann,
R/o. Dharmavaram Town and Mandal, Anantapur District.
10 Smt. N. Srikala, W/o. Narasimha Reddy,
R/o. Dharmavaram Town and Mandal, Anantapur District.
11 Smt. M. Saraswati, W/o. Venkatapati,
R/o. Dharmavaram Town and Mandal, Anantapur District.
12 Sri R. Nagarjuna Reddy, S/o. R.N. Ranga Reddy,
R/o. Dharmavaram Town and Mandal, Anantapur District.
13 Smt. R.V. Lakshmi Devi, W/o. R.N. Ranga Reddy,
R/o. Dharmavaram Town and Mandal, Anantapur District.
14 Smt. E. Lakshminarayanamma, W/o. Ramachandrappa,
R/o. Dharmavaram Town and Mandal, Anantapur District.
15 Smt. E. Nagalakshamma, W/o. Ramachandrappa,
R/o. Dharmavaram Town and Mandal, Anantapur District.
16 Sri S.V. Vijaya Prasad, S/o. Sree Ramulu,
R/o. Dharmavaram Town and Mandal, Anantapur District.
17 Sri C. Venkata Ramanaiah, S/o. Sanjeevaiah,

R/o. Dharmavaram Town and Mandal, Anantapur District.
18 Sri P. Pulla Reddy, S/o. Narayanappa,
R/o. Dharmavaram Town and Mandal, Anantapur District.
19 Sri S. Anand, S/o. Sanjeevappa,
R/o. Dharmavaram Town and Mandal, Anantapur District.

20 Smt. S. Rama Devi, W/o. S. Sahntaiah,
R/o. Dharmavaram Town and Mandal, Anantapur District.
21 Smt. K. Narayanamma, W/o. Chennappa,
R/o. Dharmavaram Town and Mandal, Anantapur District.

22 Smt. C. Ramanjanamma, W/o. Venkatarami Reddy,
R/o. Dharmavaram Town and Mandal, Anantapur District.
23 Smt. G. Rama Devi, W/o. Rami Reddy,
R/o. Dharmavaram Town and Mandal, Anantapur District.
24 Smt. B. Sarojamma, W/o. B. Chandrasekhar,
R/o. Dharmavaram Town and Mandal, Anantapur District.

.... PETITIONERS

AND

1 The Mandal Revenue Officer, Dharmavaram Town and Mandal,
Anantapur District.
2 The Revenue Divisional Officer, Dharmavaram Town and Mandal,
Anantapur District.
3 G. Katanaiah, S/o Not Aware,
Belonging to Gasthi Sub-sect of Kurba Community and R/o.

Dharmavaram Town and Mandal, Anantapur District.
4 G. Naganna, S/o Not Aware,
Belonging to Gasthi Sub-sect of Kurba Community and R/o.

Dharmavaram Town and Mandal, Anantapur District.
5 G. Nagaraju, S/o Not Aware,
Belonging to Gasthi Sub-sect of Kurba Community and R/o.

Dharmavaram Town and Mandal, Anantapur District.
6 Varadappa, S/o Not Aware,
Belonging to Gasthi Sub-sect of Kurba Community and R/o.

Dharmavaram Town and Mandal, Anantapur District.
7 G. Pullappa, S/o Not Aware,
Belonging to Gasthi Sub-sect of Kurba Community and R/o.

Dharmavaram Town and Mandal, Anantapur District.
8 G. Pujarappa, S/o Not Aware,
Belonging to Gasthi Sub-sect of Kurba Community and R/o.

Dharmavaram Town and Mandal, Anantapur District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue an appropriate writ, order or direction mostly one which is in the nature of writ of mandamus declaring the order of the 2nd respondent in D.Dis. No. 2110/2003/G dated 28-2-2004 as illegal, irregular, arbitral and unconstitutional, violative of principles of natural justice and unsustainable and set aside the same holding that the petitioners are entitled to have the house site pattas granted to them in H.S.R. Dis.IV/1413, dated 17-10-2003 by the 1st respondent in an extent of 1 acre in Survey No. 533-3 of Dharmavaram Village and Mandal, Anantapur District.

Counsel for the Petitioners : MR.P.VEERA REDDY

Counsel for the Respondent No.1 & 2 : GP FOR ASSIGNMENTS

Counsel for the Respondent Nos.3 to 8 : None appeared.

The Court made the following :

ORDER:

The petitioners are challenging the proceedings of the 2nd respondent dated 28-2-2004, whereby the pattas granted in their favour by the 1st respondent were cancelled.

The petitioners claim to be landless poor persons. On their representation to the Government, respondent No.1 after conducting an elaborate enquiry, assigned an extent of Ac.1-00 land in Sy. No. 533-3 of Dharmavaram Village to the petitioners.

Thereafter, each of them were also granted pattas in respect of the extent of land assigned. The petitioners also claim to have constructed houses and are presently residing therein. While so, it is the case of the petitioners that respondent No.2, at the instance of respondent Nos. 3 to 8, cancelled the pattas granted by respondent No.1, without issuing any notice whatsoever to them.

Heard the learned counsel for the petitioners and the learned Government Pleader for Assignments and at their request the writ petition is disposed of at the stage of admission.

The only contention advanced by the learned counsel for the petitioners in support of the writ petition is that respondent No.2 before cancelling the pattas granted to them had not issued any notice, which is arbitrary, illegal and violative of principles of natural justice.

The learned Government Pleader for Assignments, on the other hand, contends that as against the impugned order, there is an effective alternative remedy by way of revision available to the petitioners before the Joint Collector, and the petitioners without exhausting the alternative remedy of revision, have approached this Court.

The operative portion of the order passed by respondent No. 2 cancelling the pattas granted to the petitioners reads as follows:

> Taking into consideration of the above facts the pattas granted by the Mandal Revenue Officer, Dharmavaram are liable for cancellation. As per procedure notices have to be given to the grantees offering their explanation. But in this case, all most all the beneficiaries are employees and other than Dharmavaram Town. Therefore, I feel that there is no need to issue of notice to all the beneficiaries, as the pattas issued by the Mandal Revenue Officer are irregular and illegal.

From a reading of the above it becomes clear, that respondent before cancelling the pattas granted to the petitioners though observed that as per the procedure notices have to be given to the grantees, but decided not to give any notice to them as most of them are employees and are non-residents of Dharmavaram Town. Before an order affecting the rights of a person is passed, the principles of natural justice demand issuance of notice and opportunity of hearing to such person. In the instant case, inasmuch as respondent No.2 has passed the impugned order cancelling the pattas granted to the petitioners without notice to them, as is evident from his very own admission made therein, the same cannot be sustained. Therefore, even if the petitioners have effective alternative remedy against the impugned order, since the

impugned order has been passed in violation of the principles of natural justice, the petitioners cannot be asked to avail the said remedy.

In the result, the writ petition is allowed. The impugned order passed dated 28-2-2004 passed by respondent No.2 cancelling the pattas granted to the petitioners by respondent No.1, is quashed and set aside. This order, however, does not preclude respondent No.2 from passing appropriate orders and taking action in accordance therewith after issuing notice to the petitioners and considering the explanation that may be submitted by them thereto. No costs.

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15-7-2004

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To

1. The Mandal Revenue Officer, Dharmavaram Town and Mandal,
   Anantapur District.
2 The Revenue Divisional Officer, Dharmavaram Town and Mandal,
   Anantapur District.

3. 2CCs to G.P. for Assignment, High Court of A.P., Hyderabad (OUT)

4. 2CD copies